

Romar Communications Inc.

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August 23, 2006

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

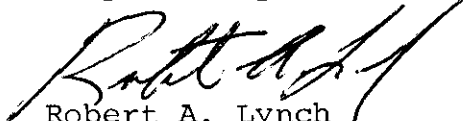
-- By Federal Express --

Re: RM No. 11338
 Petition for Rule Making
 National Association of Broadcasters

Dear Ms. Dortch:

Pomar Communications Inc. provides herewith the original and multiple copies of its Formal Comment in the above-referenced Rule Making proceeding. The submission is in response to the Public Notice of July 25, 2006.

Respectfully submitted,


Robert A. Lynch
President

cc: National Association of Broadcasters
 (by First Class Mail)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)	
)	
Petition for Rulemaking of the)	RM No. <u>11338</u>
National Association of Broadcasters)	
to Permit AM Radio Stations' Use of)	
<u>FM Translators</u>)	

To: The Commission

FORMAL COMMENT

Romar Communications Inc. ("Romar"), of 175 Gray Road, Ithaca, New York, hereby submits its Formal Comment on the above-referenced Petition for Rulemaking of the National Association of Broadcasters ("NAB Petition") which proposes the Commission amend certain sections of its rules to permit AM broadcast stations to utilize FM translators to rebroadcast the AM stations' programming. Romar, which currently has construction permit applications for new AM broadcast stations pending before the Commission, gives the NAB Petition full and enthusiastic support. Romar urges the Commission to quickly advance the NAB's proposal to the Rulemaking stage and then amend the Rules accordingly to allow AM broadcasters this additional opportunity. Furthermore, should the NAB's Petition be adopted and Romar's construction permit application or applications subsequently granted, Romar stands prepared to request use of an FM translator or translators to enhance coverage within its permitted AM service contours. Romar believes the NAB's initiative would, without exception, promote the public interest.

I. COMMENTER'S STANDING:

First and foremost, Romar Communications Inc. approaches this proceeding as a prospective AM broadcaster. Romar has before the Commission a "long-form" construction permit application for a new AM broadcast station to serve Lansing, New York. 1/ Through this application and those previous, Romar's principals, Robert and Marcia Lynch, have sought to serve this chosen community with a new AM service since 1987. 2/ Romar also has pending before the Commission a "short-form" AM broadcast construction permit application to serve Archbald, Pennsylvania. 3/ Romar's owners are passionate about local, community-based radio. With their professional roots in AM broadcasting, the Lynches respect and admire AM's heritage and attributes. However, they are equally mindful of AM's handicaps in the competitive, yet increasingly consolidated, media marketplace of today. As a partial remedy to this technical disadvantage, Romar encourages the NAB's initiative. This company and its owners foresee the use of FM translators as a means to improve listener reception and the respective AM station's economic viability.

Additionally, Romar's president, the undersigned, approaches this proceeding as a broadcast consulting engineer. Since 1987, he has served as a staff engineer with Independent Broadcast Consultants, Inc. ("IBC"), Trumansburg, New York. During that 19-year tenure, he has authored and/or participated in numerous AM and FM broadcast applications. Furthermore, he has

1/ See BNP-20020522AAM, Facility ID #136961; also BNP-19971126AH, Facility ID #89232, proposing identical facilities.

2/ See BP-19870331AH and BP-19900706AC, subsequently dismissed.

3/ See BNP-20040130BAS, currently pending.

interacted with a wide variety of IBC's broadcast clients, sensing their needs and frustrations. He understands the rules of broadcast allocation and the current technical limitations of the AM service. This perspective allows the commenter to evaluate the NAB Petition from an engineering standpoint and offer revisions for its potential improvement.

II. PRIOR INITIATIVES

The NAB Petition notes that a prior proposal to permit FM translators to rebroadcast AM stations remains pending before the Commission. ("ACAMBA Petition") 4/ Romar Communications Inc. offered its Formal Comment in that proceeding under RM-9419. Insofar as Romar's comments in that earlier proceeding are still relevant, Romar incorporates those comments by reference. In those prior remarks, Romar supported the petitioner's proposal, albeit under slightly different allocation and eligibility standards. Romar continues the same philosophical support for FM translators in the AM context, though it now revises its technical recommendations to more closely parallel the NAB Petition.

III. PUBLIC INTEREST FACTORS:

The NAB Petition's authors have quite thoroughly and eloquently identified the need for, and public interest benefits of, FM translators rebroadcasting AM signals. As such, Romar will not waste time nor space restating the NAB's fine arguments. But suffice it to say, the AM spectrum remains in trouble. And the stand-alone AM broadcaster is an increasingly rare species.

4/ Petition for Rulemaking of the American Community AM Broadcasters Association, RM-9419 (Aug. 13, 1997).

Since Romar offered its comment on the ACAMBA Petition in 1999, a number of IBC's smaller stand-alone AM clients have been forced to sell, often to the larger chain operators. These newly-consolidated stations often become mere "ghost" operations, sometimes rebroadcasting another co-owned station's programming in "daisy-chain" fashion; at other times assigned a "walk-away" satellite-delivered format, with a main studio (of sorts) relegated to the traffic manager's office. What a disappointing destination for call letters and dial positions that were once legendary. True, some AM legends remain. But many owners are struggling, especially in smaller markets or overly-saturated larger ones where the owner lacks an FM station to "prop up" his AM. In Romar's view, the NAB's Petition would allow these struggling AM operators at least a short-term technical "fix". And it would acquaint new listeners, those who say they "never listen to AM" to a new, perhaps exciting, audio choice.

As the NAB properly argues, many AM stations are required to sign-off at sunset, severely curtail power, or resort to highly-directionalized antenna patterns at night so as to prevent skywave interference. And that existence of nighttime skywave imposes on many AM stations substantial nighttime interference which limits their ability to serve communities they adequately serve daytime. The FM service does not face a similar hardship. Therefore, the AM broadcaster is placed at a distinct disadvantage. FM translator use by these AM'ers would help, at least in part, to achieve parity.

Sorry to say, additional technical storm clouds are on the horizon, impediments which will only make it more difficult

to receive listenable, commercially viable AM service. The Commission is in the process of implementing In-Band, On-Channel ("IBOC") digital broadcasting, trade name "HD Radio." At this writing, the Commission only permits IBOC AM broadcasting daytime, local sunrise to sunset. But under current technology, the "digital artifacts" of IBOC AM signals impose heavy first-adjacent and second-adjacent frequency interference. For this reason, the Commission has been reluctant to allow IBOC use on AM at night. However, many observers expect that prohibition may soon be lifted. Already, especially during Critical Hours (two hours after sunrise and two hours before sunset), the adjacent-frequency digital "hash" can be experienced, especially on frequencies adjacent to 50 kilowatt HD Radio powerhouses. Should post-sunset IBOC operation be permitted, the adjacent-frequency interference problem would explode, drowning out the signals of less-powerful AM broadcasters, perhaps even in their own communities of license.

Unfortunately, at present, the transition to HD Radio on AM imposes more problems than it solves. Too few HD Radio receivers exist in the marketplace to make the service viable; yet HD Radio broadcasting by some limits reception of existing analog signals for many stations, whether or not these stations employ IBOC. The predicament, in Romar's opinion, provides further justification for AM retransmission over FM translators, as the NAB Petition proposes.

IV. ALLOCATION STANDARDS

Under the NAB Petition, an AM broadcaster could operate a "fill-in" FM translator to retransmit the signal of the AM station, so long as the translator's 60 dBu (1 mV/m) signal were

confined within the AM station's 2 mV/m predicted daytime contour or within a 25 mile radius of the AM station's transmitter site, whichever is less. Romar believes that, as a general rule, this restriction is a fair compromise. The limitation would allow the AM station to serve at all hours the sufficiently-populated communities its AM signal is predicted to serve during the day. At the same time, the limitation would prevent distant out-of-market stations from "muscling-in" and imposing even more competition within a community. However, as an alternative, Romar submits the Commission may wish to consider the broader standard of permitting a translator's 60 dBu signal anywhere within an AM station's 0.5 mV/m daytime service contour, a contour within which allocation rules expect an AM licensee to provide listenable service, at least to rural areas.

V. ADDITIONAL TECHNICAL ISSUES

Should the Commission choose to adopt in spirit the NAB Petition's allocation standards, as outlined above, Romar anticipates certain technical issues will arise which the NAB Petition fails to address.

First, with certain stations, it may be next to impossible to confine a translator's 60 dBu contour within the 2 mV/m daytime contour of the AM station. FM and AM stations utilize different methods of signal propagation. FM signals are limited by terrain; AM signals by soil conductivity. Therefore, some AM stations with highly-directionalized daytime signals may find confinement of terrain-based signals difficult, even when employing directional FM translator antennas. Romar suggests the Commission may want to consider a more lenient standard for translator signals,

namely requiring at least 85 per cent of the translator's 60 dBu signal be confined within the AM station's 2 mV/m daytime contour. Other commenters may offer alternative suggestions.

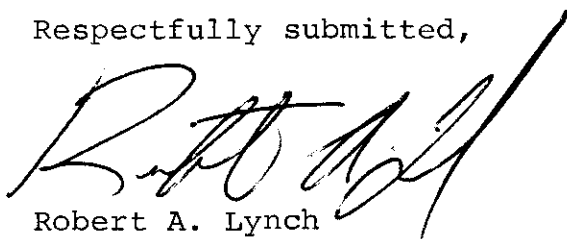
A second issue arises over the potential use of measured soil conductivities for predicting AM coverage, as opposed to the Commission's Figure M-3 benchmark standard. A strict use of Figure M-3 conductivities would probably be most efficient from the standpoint of Commission resources. However, Romar believes it would be unfair to prevent measured conductivity usage by those (presumably few) AM broadcasters who might find it to their advantage. Romar also foresees adversarial competitors might choose to thwart an otherwise-acceptable translator application by presenting measured data to purportedly show a translator's contour strayed outside that of the AM station. (Measured conductivities are often somewhat less than Figure M-3.) Romar believes the Petitions to Deny resulting from these conflicts over conductivity would unnecessarily clog Commission resources and should be limited as the Commission seeks to implement the translator initiative.

VI. CONCLUSION

As the NAB Petition has amply noted, AM broadcasters have demonstrated over the years and continue to demonstrate a sterling record of community service. If anything, AM serves as the dominant source of news and public affairs programming in many communities. But the current AM broadcaster faces challenges, both technical and economic, that are unique to his spectrum. He needs help. And the AM service deserves preservation. Accordingly, Romar Communications Inc. is proud to support the National Association of Broadcasters'

Petition for Rule Making to permit use of FM translators by AM broadcasters for restricted "fill-in" service. Romar Communications Inc. urges the Commission to quickly advance this Petition to the Rule Making stage. Romar will offer further comments at that time. And should it become eligible, Romar will seek to utilize one or more FM translators to enhance its station or stations' signals and provide maximum benefit to the public it serves.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Lynch", with a long, sweeping horizontal stroke extending to the right.

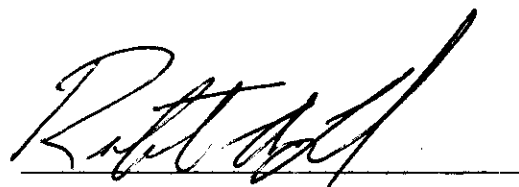
Robert A. Lynch
President

Dated: August 23, 2006

CERTIFICATE OF SERVICE

I, Robert A. Lynch, President of Romar Communications Inc., hereby certify that a true and correct copy of the foregoing Formal Comment in response to the Petition for Rule Making by the National Association of Broadcasters, assigned RM No. 11338, was sent by first-class, postage-prepaid mail this date, August 23, 2006, to the following:

Ms. Marsha J. MacBride
Legal Department
National Association of Broadcasters
1771 N Street, NW
Washington, DC 20036

A handwritten signature in black ink, appearing to read "Robert A. Lynch", written over a horizontal line.

Robert A. Lynch
President
Romar Communications Inc.